

REMARKS

In furtherance to the provisional election of Group II, claim 14 in response to a restriction requirement, Applicant confirms the election of Group II, claim 14. Claims 1-13 and 15-18, drawn to the non-elected invention are requested to be cancelled. In view of the foregoing claim amendments and in view of the reasons that follow, Applicant respectfully requests reconsideration of the present application. Claim 14 is currently being amended. Claims 19-38 are being added. The amendments to the claim set are proper and are supported by the specification, figures, and claims as originally filed. Applicant respectfully requests the Examiner enter the claim amendments in their entirety. After amendment, claims 14 and 19-38 are now pending in this application.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

I. Claim Interpretation

The Examiner stated in the Office Action that it is “unclear what exactly applicant is intending to claim. Applicant has elected to refer to the invention as a ‘liquid chromatography sample injection system’. Such an election does not imply any additional structure be interpreted as being included within the claim.” Applicant has chosen to refer to the invention as a “liquid chromatography sample injection system,” simply because this is the system where the invention will most likely be used. Applicant does not intend to imply that the preamble be read as additional structure into the claim. If the Examiner would prefer, Applicant can amend the claims to refer to the invention simply as a “sample injection system.”

The Examiner also states that because “it appears as if applicant is attempting to claim the combination of the drive system and the injector valve...the drive system must be positively claimed.” The claims as amended positively claim the probe drive system. Therefore, Applicant

agrees with the Examiner's initial search based on a combination of an injector valve and a probe drive system.

II. Claim Rejections – 35 U.S.C. § 102 (e)

The Office Action rejected claim 14 under 35 U.S.C. § 102(e) as being anticipated by Zesiger (U.S. Patent 6,743,397). Applicant respectfully traverses. In order to establish a prima facie case of anticipation, a cited reference must teach each element of the rejected claim. MPEP § 2131 Claim 14 as amended includes a probe drive system of an automated liquid handler, an injector valve mounted on an arm of the probe drive system, and a conduit that directly connects the injector valve and the probe. The Zesiger patent simply fails to disclose each element of the current claims. Specifically, Zesiger fails to teach or disclose an injector valve mounted on an arm of a probe drive system.

First, the valve in Zesiger is not mounted on an arm of a probe drive system. As demonstrated by col. 4, lines 47-51 of the Zesiger specification, “the syringe also has an inlet fitted with a valve commanded by the programmer and connected with the tubing to the gas source used to purge it.” Thus, the valve in Zesiger appears to be mounted directly to the syringe, which the Examiner views as equivalent to a probe not to an arm of a probe drive system. Although Applicant disagrees with the Examiner that a probe and a syringe are equivalent structures, even if the structures were equivalent, the valve of Zesiger is mounted in a different place than the injection valve currently claimed.

Second, as understood by the skilled artisan, the term “injector valve” has a specific meaning when used in the context of sample injection. An injector valve is a specialized valve capable of introducing sample. See for example U.S. Patent 6,632,404. The injector valve of the present invention satisfies this definition by being able to introduce sample into the analyzer. However, the valve of Zesiger is simply not interchangeable with the injector valve of the present invention. The valve in Zesiger never introduces sample for analysis. Instead, the syringe injects the sample through a septum and into a sampling chamber. Thus, the valve in Zesiger is not an injection valve, nor is it ever referred to as an injection valve. Instead, the valve in Zesiger connects a gas source to the syringe to purge sample between runs. Zesiger, col. 4, lines 48-50.

Because the valve in Zesiger is closed when the syringe draws sample, sample never enters the valve. Zesiger col. 7, lines 16-18.

Because Zesiger never teaches or discloses an injector valve mounted on an arm of a probe drive system, a required element of the presently pending claims, Zesiger cannot be anticipatory. Thus, Applicant respectfully requests the Examiner withdraw the rejection under 35 U.S.C. § 102(e) and allow the claims to issue.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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